

1 Erica J. Chee  
Nevada Bar No. 12238  
2 erica.chee@ogletreedeakins.com  
3 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
Wells Fargo Tower  
4 3800 Howard Hughes Parkway, Suite 1500  
Las Vegas, NV 89169  
5 Telephone: 702.369.6800

6 Amy Morrissey Turk (*Pro Hac Vice*)  
Robert W. McFarland (*Pro Hac Vice*)  
7 MCGUIREWOODS LLP  
World Trade Center  
8 101 West Main Street, Suite 9000  
Norfolk, Virginia 23510  
9 Phone: (757) 640-3716  
10 Fax: (757) 640-3966  
[rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
11 [aturk@mcguirewoods.com](mailto:aturk@mcguirewoods.com)

12 Joel S. Allen (*Pro Hac Vice*)  
MCGUIREWOODS LLP  
13 2000 McKinney Ave., Suite 1400  
Dallas, Texas 75201  
14 Phone: (214) 932-6400  
15 Fax: (214) 932-6499  
[jallen@mcguirewoods.com](mailto:jallen@mcguirewoods.com)

16 *Attorney for Defendants*  
17 *Portfolio Recovery Associates, LLC*

18 **UNITED STATES DISTRICT COURT**

19 **DISTRICT OF NEVADA**

20 DELANIE BUTLER and JOHN ROBINSON,  
21 Individually and on behalf of all similarly  
situated class and collective action members,

22 Plaintiffs,

23 v.

24 PORTFOLIO RECOVERY ASSOCIATES,  
LLC, a Delaware Limited Liability Company;  
25 DOES I through X, inclusive; ROE  
26 CORPORATIONS I through X, inclusive,

27 Defendants.

Case No. 2:20-cv-00861-JCM-EJY

**STIPULATION AND ORDER TO  
SEVER AND TRANSFER VENUE**

NOW COMES Plaintiffs Delanie Butler and John Robinson (“Plaintiffs”) and Defendant Portfolio Recovery Associates, LLC (“Defendant” or “PRA”) and files this stipulation of severance of certain Wage and Hour claims as set forth herein, and to transfer such claims from this Court to the Eastern District of Virginia.

### **I. Currently Pending Motion to Sever and Transfer**

On July 6, 2020, Defendant Portfolio Recovery Associates, LLC (“Defendant” or “PRA”) moved, pursuant to Federal Rule of Civil Procedure 21, to sever Plaintiff Butler’s federal and state wage and hour claims brought on behalf of Defendant’s *hourly* workers, on one hand (“the Wage and Hour Claims”), from Plaintiffs’ claim under the WARN Act and the wage and hour claims brought on behalf of *salaried* employees, on the other (collectively, the “WARN Act Claims”); and, pursuant to 29 U.S.C. § 1404(a), to transfer the Wage and Hour Claims on behalf of the *hourly* employees, to the United States District Court for the Eastern District of Virginia, Norfolk Division (“EDVA”). *See* ECF 13, *Defendant’s Motion to Sever and Transfer Venue and Memorandum of Points and Authorities in Support* (“Motion to Sever and Transfer”). Prior to filing their consents to opt into this case, Butler and 11 other *Butler* opt-ins were already opt-in plaintiffs in the substantially similar case in the EDVA (namely, *Scott v. Portfolio Recovery Associates, LLC*, Civil Action No. 2:20-CV-00267 (EDVA) (the “Virginia Action”). *Id.* at II.B.3.a., pp. 7-9.

In addition to this *Butler* lawsuit and the Virginia Action, another substantially similar lawsuit was filed against PRA by hourly employees in Tennessee (namely, *Jones v. Portfolio Recovery Associates, LLC*, Civil Action No. 1:20-CV-01083 (WDTN) (the “Tennessee Action”), to which Butler and 11 other *Butler* opt-ins also joined before opting into this present suit. *See* Motion to Sever and Transfer, II.B., pp. 3-7. The Tennessee Action, the first filed of these three cases, was transferred from the WDTN to the EDVA pursuant to a stipulation amongst the parties thereto, and thereafter, was consolidated with the Virginia Action. *See* Tennessee Action, ECF 58, *Joint Notice of Stipulation to Transfer to Eastern District of Virginia*, dated June 24, 2020; Tennessee Action, ECF 59, Order Transferring Case, dated June 29, 2020 (“... §1404(a)’s interest of justice by eliminating duplicative litigation and the risk of inconsistent results.”); and Virginia Action, ECF

33 (order consolidating Tennessee Action with the Virginia Action).

On July 10, 2020, counsel for Butler notified counsel for Defendant that Plaintiffs would no longer oppose the Motion to Sever and Transfer. Accordingly, Defendant's Motion to Sever and Transfer is now unopposed. Upon entry of this Order, the Parties will seek to consolidate the hourly Wage and Hour Claims of this case with the Virginia Action.

Accordingly, the Parties stipulate as follows:

## **II. STIPULATIONS**

IT IS HEREBY STIPULATED, by and between the Parties to this action, that all of the Wage and Hour Claims that Butler asserts, individually and on a nationwide collective action basis on behalf of *hourly* workers, for violations of the FLSA and Nevada state wage and hour laws shall be severed from the remaining claims in this case. These Causes of Action to be severed are as follows: 29 USC 201 *et. seq.* (FLSA claims for hourly employees); NRS 608.016 (unpaid wages and compensation claims for hourly employees); and NRS 608.018 (unpaid overtime claims for hourly employees).

IT IS FURTHER STIPULATED, by and between the Parties to this action, that the remaining claims to remain before this Court will be the WARN Act Claims asserted on behalf of all Nevada employees who were terminated related to the March 2020 shut-down of PRA's Las Vegas Regional Office ("LVRO"), along with state wage and hour claims asserted by *salaried* employees related to the LVRO facility closure, as follows: 29 USC 2101 *et seq.* (WARN ACT); and NRS 608.016 (compensation earned and unpaid at the time of discharge for salaried employees).

IT IS FURTHER STIPULATED, by and between the Parties to this action, by and through their undersigned counsel, that the severed hourly Wage and Hour Claims be transferred to the EDVA, where the Parties will move for the hourly Wage and Hour Claims to be consolidated with the Virginia Action (*Scott v. Portfolio Recovery Associates, LLC*, Civil Action No. 2:20-CV-00267).

///

///

///

Each party is to bear their own attorney's fees and costs.


DATED this 17<sup>B</sup> day of July, 2020.

*Attorney for Plaintiffs*

/s/   
Mark H. Hutchings  
HUTCHINGS LAW GROUP, LLC  
552 E. Charleston Blvd.  
Las Vegas, NV 89104

DATED this 17<sup>th</sup> day of July, 2020.

*Attorneys for  
Defendant Portfolio Recovery Associates, LLC*

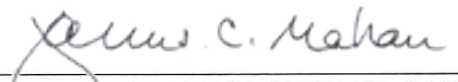
/s/   
Erica J. Chee  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART,  
P.C.  
3800 Howard Hughes Parkway, Suite 1500  
Las Vegas, NV 89169  
Phone: (702) 369-6824  
erica.chee@ogletree.com

Robert W. McFarland (*Pro Hac Vice*)  
Amy Morrissey Turk (*Pro Hac Vice*)  
MCGUIREWOODS LLP  
101 West Main Street, Suite 9000  
Norfolk, Virginia 23510  
Phone: (757) 640-3716  
[rmcfarland@mcguirewoods.com](mailto:rmcfarland@mcguirewoods.com)  
[aturk@mcguirewoods.com](mailto:aturk@mcguirewoods.com)

Joel S. Allen (*Pro Hac Vice*)  
MCGUIREWOODS LLP  
2000 McKinney Ave., Suite 1400  
Dallas, Texas 75201  
Phone: (214) 932-6400  
[jallen@mcguirewoods.com](mailto:jallen@mcguirewoods.com)

**ORDER**

**IT IS SO ORDERED.**

  
UNITED STATES DISTRICT COURT JUDGE

July 31, 2020

DATED